



August 19, 2025

VIA ECF

The Honorable Margaret R. Guzman
United States District Judge
U.S. District Court for the District of Massachusetts
595 Main Street
Worcester, MA 01608

**Re: *Derrick Washington v. Massachusetts Department of Correction, et al.*,
No. 1:23-cv-10063-MRG**

Dear Judge Guzman:

We represent Plaintiff Derrick Washington in the above-captioned matter. We write to respectfully request that the Court lift its stay of this action, which was entered pending resolution of the class action *Diggs et al., v. Mici, et al.*, No. 4:22-cv-40003ADB (D. Mass.).

On June 28, 2023, Defendants Massachusetts Department of Correction and its employees (collectively the “DOC Defendants”) moved the Court to “stay this action, including all discovery requests, until such time [as] the resolution of *Diggs*.” Dkt. No. 50 at 1. The Court granted the DOC Defendants’ motion on April 2, 2024. Dkt. No. 83. On April 23, 2024, Mr. Washington filed a motion seeking reconsideration of the stay. Dkt. No. 84. To date, however, the Court has not ruled on Mr. Washington’s reconsideration motion, and this action has remained stayed in the interim.

The stay should now be lifted because *Diggs* has reached a resolution, and Mr. Washington has officially opted out of the class in that case. In April 2025, the parties in *Diggs* reached a settlement, and on May 30, 2025, the *Diggs* court preliminarily approved of the class settlement agreement. *Diggs*, Dkt. No. 109. In correspondence with Mr. Washington’s counsel, the DOC Defendants acknowledged that *Diggs* has “reached a successful resolution” as a result of the settlement. Furthermore, although administrative issues relating to settlement distribution remain pending, Mr. Washington has now officially submitted an opt-out form opting out of the *Diggs* class settlement. Accordingly, the proceedings in *Diggs* no longer have any bearing on this action.

For these reasons, the basis for the Court’s stay is now moot and there is no reason to delay discovery and trial in this action any longer. Indeed, continued delay only prejudices Mr. Washington and his ability to collect evidence in support of his claims and to obtain timely relief. Therefore, Mr. Washington respectfully requests that the Court lift its stay and permit this matter to move forward immediately.



Mr. Washington conferred with the DOC Defendants regarding their position on the requested relief. The DOC Defendants oppose the requested relief.

Sincerely,

/s/ Sabina Mariella

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